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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,401	11/15/2001	Susann Marie Keohane	AUS920010873US1	7304
7590	08/13/2004		EXAMINER	
Mr. Volel Emile P.O. Box 202170 Austin, TX 78720-2170			BONSHOCK, DENNIS G	
			ART UNIT	PAPER NUMBER

2173

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten mark]

Office Action Summary

Application No.

09/998,401

Applicant(s)

KEOHANE ET AL.

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 5, 10, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, 6-9, 11-14, and 16-19, drawn to selecting from more than one desktop for use, classified in class 345, subclass 744.
 - II. Claims 5, 10, 15, and 20, drawn to downloading and using a desktop, classified in class 345, subclass 733.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as the selection between more than one desktop. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Volel Emile on 8-3-04 a provisional election was made with traverse to prosecute the invention of Keohane et al., claims 1-4, 6-9, 11-14, and 16-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5, 10, 15, and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.
6. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
7. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

8. Claim 16 is objected to because of the following informalities: the claim states "... at least on process..." which is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 6-9, 11-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Small et al., Patent #5,642,303, hereinafter Small.
11. With regard to claim 1, which teaches a method of using a desktop upon turning on a computer comprising the steps of: determining whether more than one desktop

exist on the computer system, selecting one or the desktops to use if more than one exist, and using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. The selected desktop is then automatically implemented for use.

12. With regard to claims 2, 7, 12, and 17, which teach the selecting step including the step of using a scheduler, Small further teaches, in column 2, lines 36-42 and in column 4, lines 17-27, the invention changing its desktop interface based on location or time of use, where elements are keyed based on date, time, and location, as well as working in concert with the calendaring function.

13. With regard to claims 3, 8, 13, and 18, which teach the scheduler including time and day that the selected desktop is to be used, Small further teaches, in column 2, lines 36-42 and in column 4, lines 17-27, the invention changing its desktop interface based on location or time of use, where elements are keyed based on date, time and location.

14. With regard to claims 4, 9, 14, and 19, which teaches the selecting step including comparing a network address of the computer system with a stored network address and using the selected desktop if the two network addresses are the same, Small teaches, in column 8, lines 44-48, the possibility of location determination being made with respect to the part of the network that the system is connected to, where location is

compared with the particular desktops available, so that the appropriate is displayed (see column 6, lines 5-17).

15. With regard to claim 6, which teaches a computer program product for using a desktop upon turning on a computer comprising: code means for determining whether more than one desktop exist on the computer system, code means for selecting one or the desktops to use if more than one exist, and code means for using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. The selected desktop is then automatically implemented for use.

16. With regard to claim 11, which teaches an apparatus for using a desktop upon turning on a computer comprising: means for determining whether more than one desktop exist on the computer system, means for selecting one or the desktops to use if more than one exist, and means for using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. The selected desktop is then automatically implemented for use.

17. With regard to claim 16, which teaches a computer system for using a desktop upon turning on a computer comprising: at least one memory device, and at least one

processor, Small teaches, in column 3, lines 35-64, a processor and memory device for implementing the system. With regard to claim 16, further teaching determining whether more than one desktop exist on the computer system, selecting one or the desktops to use if more than one exist, and using the selected desktop, Small teaches, in column 8, lines 56-59 and in column 6, lines 5-25, determining which tasks are available to be triggered based on the new location of a client, where the computers location can change the overall setup of the system, including implementing a different desktop, upon the determination of a location. The selected desktop is then automatically implemented for use.

Conclusion


18. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for providing multiple desktops to a user.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7-4-04
dgb



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173